

# **EXHIBIT 11**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Donna Curling, et al.,

Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 1:17-cv-02989-AT

Brad Raffensberger, et  
al.,

Defendants.

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VIDEO 30(b)(6) DEPOSITION OF  
SECRETARY OF STATE  
THROUGH  
ROBERT GABRIEL STERLING

October 12, 2022  
9:26 a.m.

Suite 3250, One Atlantic Center  
1201 W. Peachtree Street  
Atlanta, Georgia

S. Julie Friedman, CCR-B-1476

1 of this year, was the Elections Director in Coffee  
2 County, right?

3 A. I believe that's correct. Yes.

4 Q. And Mr. Patel, does he work in CES?

5 A. He does work at CES. He's one of our --  
6 one, two -- three main ballot builders before. I  
7 mean, that's right, I guess.

8 Q. One of the ballot builders?

9 A. Ballot builders and CES employees, yes.

10 Q. I see. So and I was going to ask you.  
11 What is Mr. Patel's role or responsibilities in CES?

12 A. He is a ballot builder.

13 Q. Okay. But Mr. Patel was also involved in  
14 replacing the EMS server --

15 A. Uh-huh.

16 Q. -- and ICC in June of last year, right?

17 A. Part of the role of CES is they kind of  
18 become our in-house experts on the equipment and  
19 ballot building and all -- all the processes around  
20 it, so this would fall under the scope of that. He  
21 would do that.

22 It's just a internal term of art. When  
23 you work at CES, you're a ballot builder basically.  
24 That's how we refer to them unless you're in the  
25 warehouse. You're a warehouse guy kind of thing.

1 Q. How many ballot builders are there?

2 A. If memory serves, there's four that are  
3 State employees and two that are contract employees  
4 right now.

5 Q. Contract employees contracted by the  
6 State?

7 A. Correct. And these contracts are direct,  
8 are through a State contract. They hired -- it's  
9 a -- it's a --

10 There are two state contracts for  
11 temporary employees specifically. A third, if you  
12 include IT employees; and they are paid through one  
13 of those three. I can't remember which one it is. I  
14 would I want to say it's -- It's either CAI or focus  
15 or corporate. But, again, they're just --

16 It's enough to say modeling used to -- for  
17 accounting to pay for contract employees, as opposed  
18 to making them full employees, because full employees  
19 are very expensive because there's a 63 percent  
20 burden on their -- For every dollar you spend on  
21 their salary, it's 63 cents additional to employ  
22 them.

23 Q. Okay. Do they do the ballot building  
24 physically on site at the Secretary's Office or where  
25 do they do it?

1           A.       They do it at the Center for Elections  
2 office, which is near the Braves stadium up and off  
3 Interstate 120.

4           Q.       So here Miss Roberts for Coffee County  
5 reaches out in April of this year and says can you  
6 please send me a letter on your letterhead stating  
7 that your server is in your possession. Please  
8 include why and when it was changed out. Do you see  
9 that?

10          A.       Yes.

11          Q.       Do you know why Miss Roberts is reaching  
12 out to the Secretary's Office for that letter on  
13 April 1st of this year?

14          A.       I vaguely recall. I -- I -- I don't want  
15 to speculate. I think it was something around their  
16 elections board wanted to understand why.

17                   And, also, they say their server.  
18 Technically, they're all the State's servers; but  
19 they are held and used by those counties. I just  
20 want to make that clarification.

21                   I believe that's what it was; but, again,  
22 this was April of '22. And, again, it was no big  
23 deal to say the password didn't work. We changed it  
24 out. Normal processes.

25          Q.       When you say that the -- the -- the State

1 servers, but they're held and used by the counties,  
2 what does that mean?

3 A. The State retains ownership of all  
4 equipment unless, as in some counties, some large  
5 counties buy their own equipment. They -- They own  
6 that equipment, but we still have to have -- go  
7 through state acceptance and certification on those  
8 pieces of equipment.

9 Q. So the EMS server that was taken and the  
10 ICC in the summer of last year from Coffee County,  
11 that is and has always been owned by the Secretary's  
12 Office or by the State?

13 A. Once it was purchased and accepted, yes.

14 Q. Okay. All right. Is that true for the  
15 new equipment? The State owns that, too?

16 A. Correct. All the equipment, not just the  
17 ICC and the -- Everything that we changed out, the  
18 States retains ownership of those items.

19 Q. Okay. Do you know why this -- the Coffee  
20 County office did not already have any documentation  
21 on the EMS server and the ICC being replaced in June  
22 of 2021?

23 A. I don't know that they didn't, or they may  
24 be not be able to find it since they went through  
25 three elections directors -- I guess two elections --

1 Oh, an initial director election passed this time, so  
2 I don't know what they did or didn't have, but they  
3 probably wanted to have this as a belt and  
4 suspenders.

5 Again, I'm making a supposition, so I  
6 apologize, but I --

7 MR. TYSON: Yeah. And don't -- Don't  
8 guess.

9 Q. (By Mr. Cross) Yeah. If you don't -- if  
10 you don't know --

11 A. Well, I -- I couldn't suppose for certain.

12 Q. Sure. Okay. Well, do you know why the  
13 Secretary's Office does not have any documentation  
14 regarding replacing that server and the ICC other  
15 than the logic and accuracy report that we received?

16 A. And the logic and accuracy report, that's  
17 all you really need to know. It's changed out. It's  
18 a new piece of equipment there with the L&A on it.  
19 It was put there. We have the time. We have the  
20 date.

21 Q. But the chain of custody of voting  
22 equipment, maintaining that chain of custody is  
23 critically important, right?

24 A. Yes.

25 Q. And so does the State not have any

1 policies or practices to require documenting when it  
2 replaces voting equipment in the county other than  
3 just an L&A report?

4 A. I don't know off the top of my head on  
5 that one, quite honestly. I mean, I did  
6 demonstration for voting equipment for a media the  
7 other day. We had to sign all the paperwork to take  
8 it from one building to another.

9 So, I mean, I know we do have paperwork on  
10 those fronts; and I don't know if it would be the  
11 same as it would for a complete switch out or not. I  
12 just don't know off the top of my head.

13 Q. If you wanted to know, who would you ask?

14 A. I would ask Michael Barnes.

15 MR. TYSON: You want us to check on that  
16 at a break?

17 Q. (By Mr. Cross) Sure.

18 MR. TYSON: Okay.

19 MR. CROSS: Thank you.

20 Q. (By Mr. Cross) And then if you come up to  
21 the most recent e-mail where we started, Mr. --

22 A. The first page on --

23 Q. Yes.

24 A. The first page. Okay.

25 Q. -- Mr. Germany's e-mail, to Steven Ellis,



1 that fills that role at Hall Booth?

2 MR. TYSON: And I'll object to scope.

3 You can answer if you know.

4 THE WITNESS: I believe that's correct.

5 Yes.

6 Q. (By Mr. Cross) For example, it was Tony  
7 Rowell that was in the meeting with Misty Hampton  
8 December of 2020. Do you remember that?

9 A. Yes.

10 Q. And then it -- Here, it's a reference to  
11 her.

12 Do you know if Mr. Germany reached out to  
13 Jennifer Herzog?

14 A. I believed that -- Prompting my memory --

15 Q. Okay.

16 A. -- that is name of the person whose  
17 talking to. Yes.

18 Q. Has there been any consideration or  
19 investigation either by or at the direction of the  
20 Secretary's Office into whether any of the Coffee  
21 County attorneys were aware of the -- the breach in  
22 January of 2021 shortly after or -- or at the time  
23 that it happened?

24 MR. TYSON: I'll object to scope.

25 If -- If you know, and don't disclose

1           about the investigation.

2           THE WITNESS: I couldn't speak to that.

3           Q.       (By Mr. Cross) 'Cause -- 'Cause you  
4       don't know?

5           A.       I don't.

6           Q.       Okay.

7           A.       Yeah. Sorry. Yeah.

8           Q.       I just want to make sure it wasn't -- it  
9       wasn't like a privilege thing. You just don't know?

10          A.       I just don't know.

11          Q.       Okay. If -- If you wanted to know, who  
12       would you ask?

13          A.       One of three people, either Ryan Germany,  
14       Steven Ellis, or Sara Koth.

15          MR. TYSON: Or the GBI?

16          THE WITNESS: Or the GBI. But at this --  
17       at this point, it would have been an earlier  
18       period of time. This was well before the GBI  
19       was involved.

20          Q.       (By Mr. Cross) Right. Okay. So we  
21       talked about the password change that was changed on  
22       December 14 and -- And that was a directive from the  
23       Secretary's Office.

24                 Are -- Are you aware that James Barnes  
25       testified that his understanding was that

1 county-level officials actually don't have  
2 administrative rights to change a password?

3 A. I'm aware that was his testimony, but I  
4 believe that is incorrect.

5 Q. Okay. So the password change that  
6 occurred on December 14, is it the Secretary's Office  
7 understanding that Misty Hampton did that, or they --  
8 they don't know for sure who did it?

9 A. We don't know. We only know is that  
10 someone in that office who had the existing password  
11 went on and changed that password, so we can't speak  
12 if it was Misty, her daughter, or some other  
13 employee.

14 Q. Since the Secretary's Office thought that  
15 the password should be changed after the YouTube  
16 video came, why wasn't it the practice of the  
17 Secretary's Office to make that change itself or to  
18 oversee that change with whoever would handle that?

19 A. I couldn't speak to that specifically.  
20 Generally speaking, the board of elections  
21 directors. Counties run elections and --

22 Q. All right.

23 A. And, generally speaking, the Secretary of  
24 State's Office says to do something, they generally  
25 do it, because they don't want to go before the State

1 Election Board for having done something wrong.

2 Q. Does the -- Since the Secretary's Office  
3 owns the equipment in Coffee County in particular, is  
4 the -- is -- is it supposed to have all of the  
5 passwords to that equipment so that it has its own  
6 access?

7 A. Generally speaking, yes.

8 Q. And is it my understanding that when the  
9 password was changed on December 14 at the  
10 Secretary's direction, is it your understanding  
11 whatever that password became was ever shared with  
12 your office?

13 A. That is my understanding. Yes.

14 Q. And what is that based on?

15 A. That when James Barnes called Michael  
16 Barnes, no relation, to -- to see if you have a  
17 different password than what I have sitting here, he  
18 had the same one; and there has been -- There's no  
19 indication that we ever got the information that it  
20 was changed.

21 Q. Do you know whether the password that  
22 James Barnes was trying to use and that Michael  
23 Barnes had -- was that what the Secretary's Office  
24 believed to be the EMS server password prior to  
25 December 14th?

1 A. That was my understanding.

2 Q. Is that from Mr. Barnes?

3 A. Well, from Michael, yes.

4 Q. From Michael, yeah.

5 And so when --

6 THE WITNESS: Hold on.

7 MR. CROSS: Sorry.

8 THE COURT REPORTER: Okay.

9 Q. (By Mr. Cross) And so when the  
10 Secretary's Office took possession of the EMS  
11 server -- took possession of the EMS server in June  
12 of 2021, the password that Mr. -- that Michael Barnes  
13 had did not work?

14 A. Correct.

15 Q. And at some point this year, the  
16 Secretary's Office got access to that server through  
17 Mr. Persinger's work?

18 A. I wouldn't say the Secretary's Office got  
19 access to it. Mr. Persinger got access to it.

20 Q. But he's working at the direction of the  
21 Secretary's Office?

22 A. Yes. Well, through the attorney. I don't  
23 know how to define the relationship, but through the  
24 attorneys' offices, yes.

25 Q. And I know we talked about this before.

C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 434 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 17th day of October, 2022.

S. JULIE FRIEDMAN, CCR-B-1476